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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 CENTER FOR BIOLOGICAL DIVERSITY,)
12 KENTUCKY ENVIRONMENTAL) Case No. 08-cv-1240-EMC
13 FOUNDATION, and SIERRA CLUB,)
14 Plaintiffs,)
15 v.)
16 RURAL UTILITIES SERVICE, a federal agency)
17 within the United States Department of Agriculture,)
Defendant.)

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE
AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

The undersigned party in the above-captioned civil matter hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: May 1, 2008

Respectfully submitted,

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Assistant Attorney General
Environment and Natural Resources Division

/s/ Brian C. Toth
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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2008, I electronically filed the foregoing DEFENDANT'S DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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Dated: May 1, 2008

/s/ Brian C. Toth
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